

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

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THE PEOPLE,

Plaintiff and Respondent,

v.

HUE MOUA,

Defendant and Appellant.

C047575

Super. Ct. Nos.

01F8349

03F9893

In case No. 01F8349, defendant Hue Moua entered a negotiated guilty plea to lewd and lascivious conduct with a child under the age of 14 years (Pen. Code, § 288, subd. (a); undesignated section references are to this code) in exchange for dismissal of the remaining counts and, if granted probation, he would receive an aggravated, eight-year suspended sentence but if denied probation, he would receive a midterm, six-year sentence.

The court imposed an aggravated, eight-year term, suspended execution of sentence and granted probation subject to certain terms and conditions.

A petition alleged defendant violated probation by failing to register (§ 290), reporting to the probation officer, keeping the probation officer advised as to his address and completing a treatment program. Probation was revoked and a bench warrant was issued.

In case No. 03F9893, defendant was charged with failure to register (§ 290, subd. (a)(1)(A)). A strike prior (§ 1170.12) was also alleged.

Defendant entered a negotiated guilty plea to failure to register in case No. 03F9893 and admitted the probation violation allegations in case No. 01F8349 in exchange for dismissal of the strike prior alleged in case No. 03F9893.

The court sentenced defendant to state prison for an aggregate term of eight years eight months: eight years in case No. 01F8349 and a consecutive one-third the midterm or eight months in case No. 03F9893.

Defendant appeals. His application in this court seeking to file a belated request in the trial court for a certificate of probable cause was denied.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel

of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

\_\_\_\_\_, MORRISON, J.

We concur:

\_\_\_\_\_, DAVIS, Acting P.J.

\_\_\_\_\_, BUTZ, J.